

REMARKS

Paragraph 006 of the specification relating to the description of Figure 1 has been amended to address the Examiner's objection to the specification. Claims 1, 6-7, 8-9 have been amended to address the Examiner's objection to claims. No new matter is introduced by this amendment. Applicant respectfully requests reconsideration of the rejection in view of the amendments to the specification and claims.

Turning now to the formal rejections of record, applicant offers the following comments for the Examiner's consideration.

I Specification Objections

The specification has been objected to by the Examiner because Figure 1 is an exploded view, but the description of the Figure 1 does not indicate an exploded view. In response to the Examiner objection, paragraph 006 of the specification, that pertains to the description of Figure 1, has been amended. The newly amended and replacement paragraph 006 now clearly indicates that "**FIG.1 is a perspective an exploded view of the construction of the aerial toy apparatus according to the invention**". In light of this amendment, the Examiner's objection is respectfully requested to be withdrawn.

II Claim Objections

Claims 1 and 8 are objected to due to certain informalities. Specifically, the Examiner has suggested to insert the phrase--having an--immediately after the word "member" in line 2 of claim 1. and to change the phrase "one of more" in claim 8 to --one or more--. In response to the Examiner's objections, claims 1 and 8 have been amended accordingly. In light of this amendment, the Examiner's objections to claims 1 and 8 are respectfully requested to be withdrawn.

III. Claim Rejection

Claims 6, 7 and 9 have been rejected under 35 USC Section 112, second paragraph, as being indefinite. Specifically, the Examiner has indicated that the phrase or wording such as "may be", "can be" or "may" recited thereof renders claims 6, 7 and 9 indefinite.

In response to the Examiner's rejections, claims 6, 7 and 9 have been amended. In claim 6, the phrase "may further comprise" has been amended to --further comprises--. In claim 7, the phrase "may include" has been amended to --includes--. In claim 9, the phrase "can be" has been amended to --are--. In light of this amendment, the Examiner's rejections to claim 6, 7 and 9 under USC Section 112, second paragraph, are respectfully requested to be withdrawn.

IV. Conclusion

In view of the foregoing, applicant believes that the instant specification and claims 1-9, as amended, are in conditions for allowance. The Examiner objections and rejections should be withdrawn and the Examiner's favorable reconsideration is respectfully requested.

The Commissioner is authorized to charge any fee pursuant to 37 CFR 1.20(d) to the **deposit account number 502137** as the applicable in connection with the instant Amendment. Favorable consideration of this application is respectfully requested.

Respectfully Submitted



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